

AFFIDAVIT FOR CRIMINAL COMPLAINT

I, Rodney Nichols, being duly sworn, do hereby state the following:

1. I am a Deportation Officer (DO) with United States Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), in Charleston, West Virginia, and, including my time of service as an Immigration Enforcement Agent, have been so employed for approximately 14 years. As a DO, my duties include the investigation, apprehension, detention, and removal of aliens who are in the United States illegally and the enforcement of immigration laws, including offenses involving aliens who are believed to have reentered the United States after deportation, without authorization from the Attorney General or Secretary of Homeland Security.

2. This Affidavit is being presented in support of an Arrest Warrant and Criminal Complaint for Victor Manuel Archanga (A200 115 784), who is an alien from Honduras, alleging that he has violated **Title 8, United States Code, Sections 1326(a)**, entitled **Reentry of Removed Aliens**.

3. I am aware of the facts of this investigation through my own personal involvement in said investigation, as well as from my communications with other law enforcement agents and officers who have also been involved in this investigation.

4. On December 16, 2022, the defendant was brought to the attention of ICE/ERO when deputies with the Preston County Sheriff's Office in Preston County, West Virginia arrested the defendant for the offenses of Burglary and Malicious Wounding. Upon his arrest, the defendant's fingerprints were submitted to the FBI electronically. A biometric match was sent to ICE / ERO in Charleston, WV ICE/ERO via the Alien Criminal Response Information Management System (ACRIME) indication a match to a subject previously removed from the United States. I conducted a query using the matching FBI number, name, and date of birth. That query returned a match for the

defendant's immigration file in the Enforce Alien Removal Module (EARM), the Central Index System (CIS), and the National Crime Information Center (NCIC), indicating that the defendant had previously been removed from the United States after having been ordered removed by an immigration judge in Harlingen, TX. Deputies with the Preston County Sheriff's Office arrested the defendant, and he was booked into the Tygart valley Regional Jail in Belington, Randolph County, West Virginia.

5. On January 18, 2023, I encountered the defendant at the Tygart Valley Regional Jail in Belington, Randolph County, West Virginia, as he was detained for the Burglary and Malicious Wounding charge. I identified myself as an immigration officer to the defendant and advised him of his Miranda rights. The defendant declined to provide a sworn statement or to answer any questions without first consulting an attorney. An inked copy of the defendant's fingerprints was obtained.

6. On January 19, 2023, the defendant was processed and further verification of the defendant's identity through fingerprint examination in the Integrated Automated Fingerprint Identification System (IAFIS) and the Automated Biometric Identification System (IDENT) databases. The databases returned positive matches for alien registration (A200 155 784) and FBI number 192885KC8, again verifying the defendant's identity.

7. I have reviewed the records and documents from Alien Registration File 200 115 784 with respect to the defendant. The defendant was originally ordered removed from the United States in Harlingen, Texas, on March 03, 2006, and was physically removed from the United States on July 24, 2009, at New Orleans, LA. The Alien Registration File for the defendant contains no indication that any permission was granted by the Attorney General or Secretary of Homeland Security for the defendant to reenter the United States.

8. The defendant entered the United States again on an unknown date, at an unknown

location. On September 24, 2012, the defendant was encountered by Border Patrol Agents near Sonoita, AZ and served an I-871, Notice of Intent / Decision to Reinstate a Prior Order of Removal. The defendant was removed to Honduras on February October 14, 2012, via Phoenix, AZ.

9. The defendant entered the United States again on an unknown date, at an unknown location. On February 4, 2013, the defendant was encountered by Border Patrol Agents Nogales, Arizona and served an I-871, Notice of Intent / Decision to Reinstate a Prior Order of Removal. The defendant was removed to Honduras on February 28, 2013, from Phoenix, Arizona.

10. The defendant entered the United States again on an unknown date, at an unknown location. On December 16, 2022, the defendant was encountered in the Northern District of West Virginia in Preston County, WV. The defendant will be released to the custody of ICE/ ERO on February 12, 2023, upon completion of his sentence.

11. Based upon the foregoing, I submit that there is probable cause to believe that the defendant is an alien who was removed from the United States on or about July 24, 2009, after having been ordered removed by an immigration judge in Harlingen, TX. The defendant was encountered by Border Patrol Agents near Sonoita, AZ on September 24, 2012, after illegally entering the United States and was removed to Honduras on October 4, 2012. The defendant was encountered by Border Patrol Agents near Nogales, Arizona on February 03, 2013, after illegally entering the United States and was removed to Honduras on February 28, 2013. The defendant entered the United States again at an unknown place or time and thereafter was found in the United States on December 16, 2022, in Preston County West Virginia, Northern District of West Virginia, having not obtained the consent of the Attorney General or Secretary of Homeland Security of the United States for reapplication for admission into the United States, in violation of Title 8, United States Code, Section 1326(a).

The above information is true and correct to the best of my knowledge, information, and belief.

RODNEY G NICHOLS Digitally signed by RODNEY G
NICHOLS
Date: 2023.02.03 09:19:30 -05'00'

Rodney Nichols
Deportation Officer
United States Immigration and
Customs Enforcement

Sworn and subscribed to before me
This 3rd day of February 2023. by phone



UNITED STATES MAGISTRATE JUDGE